

IA No. 12-25
SC NO. 756-2024
State vs. Taslima @ Putti
FIR NO. 444/2024
PS Bhalswa Dairy
U/S 21/25/29 NDPS Act

02.08.2025

This is 2nd application u/s 483 BNSS for grant of regular bail moved on behalf of applicant/accused Taslima @ Putti.

Present: Dr. Raj Rani, Ld. Addl. PP for the State.
Sh. S. P. Sharma, ld. Counsel for accused/applicant.
IO SI Raj Kumar is present.

Reply to the application filed. Copy supplied.

ARGUMENTS ON BEHALF OF ACCUSED/APPLICANT

1.1 It is argued on behalf of accused/applicant that she has been falsely implicated in this case and she is in JC since 04.06.2024. It is submitted on behalf of accused/applicant that her daughter is critically ill and experiencing cardiac issue and she need immediate medical attention. It is further submitted that on account of medical condition of daughter of accused/applicant, she had been admitted to interim bail and after expiry of interim bail period, she had surrendered before the Jail Authority and did not misuse the liberty of bail granted to her. It is further submitted that grounds of arrest have not been communicated to accused/applicant at the time of her arrest and FSL report filed by IO is also defective. It is further submitted that both these grounds have not been mentioned in the application and

requests that same may be considered orally as same have not been pleaded by the accused in earlier application. It is further submitted that investigation against accused has already been completed and no useful purpose will be served in keeping accused/applicant in custody. Hence, it is prayed that accused/applicant be released on bail as she is ready to abide with any condition imposed by the court.

1.2 Ld. Counsel has relied upon **Rajasthan Vs. Balchand, Mohd. Muslim Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, Javed Gulam Nabi Shaikh Vs. State of Maharashtra & Anr. CrI. A. 2787/2024, Moti Ram Vs. State of Madhya Pradesh (1978) 4 SCC 47** to fortify his arguments.

ARGUMENTS ON BEHALF OF STATE

2.1 Per contra, Ld. Addl. PP for the State has vehemently opposed the bail application stating that as per reply filed by IO on 04.06.2024, accused/applicant Taslima Putti was arrested and 400 grams heroin was recovered from her possession. During interrogation, accused/applicant Taslima @ Putti disclosed that she procured the recovered heroin from one Sonu r/o *Majnu ka Tila*. Thereafter, at the instance of accused/applicant Taslima @ Putti, co-accused Sonu was arrested and 100 grams heroin was recovered from his house.

2.2 During interrogation, accused Sonu disclosed that he used to supply heroin to Taslima @ Putti and Nawab after procuring the same from co-accused Vijender @ Harender. Accused Sonu made supplementary disclosure statement and disclosed that the recovered contraband was to be supplied to Nawab. Thereafter, at the instance

of accused Sonu, raid was conducted at the house of accused Nawab and Vijender but both were found absconded.

2.3 During investigation, co-accused Vijender @ Harender @Lala@ Rohit was arrested on 29.06.2024 and 60 grams heroin was recovered from his house, accused Rajeshwari @ Rani was arrested on 11.03.2025 and accused Nawab was arrested on 14.04.2025. accused Sulekha alongwith her son i.e., accused Shivam @ Subham was arrested and 356 gram heroin was recovered from their house.

2.4 It is further submitted that allegations against the accused/applicant are serious in nature. It is further submitted that accused/applicant is previously involved in 2 criminal cases of Delhi Excise Act. It is further submitted that Nawab son of accused/applicant is also involved in the present case, however, he is absconded. It is further submitted that involvement of accused and her son clearly shows that entire family is involved in the drug trafficking.

Submissions heard. Record perused. I have also gone through the judgments/orders cited by Ld. Counsel for accused/applicant.

FINDINGS/CONCLUSION

3.1 The allegations are serious against the accused/applicant. 400 gram heroin was recovered from her possession. She is actively participated in the drug syndicate. Considering the conduct of accused/applicant and her involvement in criminal activities since 2018, there is no chance of her reformation.

There is every likelihood that accused/applicant may commit further offence, if she be released on bail.

3.2 Ld. Counsel for accused/applicant has argued that grounds of arrest have not been communicated to her at the time of her arrest.

3.3 It is matter of record that notice under section 50 NDPS Act was served upon the accused/applicant and same was drafted in Hindi language. The reply to the said notice was also recorded in Hindi language. Meaning thereby, accused was well aware that for what purpose she had been arrested by the police and after understanding the nature of proceedings, she opted not to get himself searched in the presence of Magistrate or Gazetted Officer.

3.4 In **Vikas Chawla @ Vicky Vs. The State (NCT of Delhi)** (Crl. M. C. 4845/2024), Hon'ble High Court of Delhi held as under:

“53. Furthermore, this Bench has held in Marfing Tamang vs. State (NCT of Delhi)²⁰ that the requirement under [section 50 Cr.P.C.](#) of serving the grounds of arrest forthwith must be read to mean that the investigating officer/arresting officer must serve upon an arrestee the grounds of arrest simultaneously with the issuance, or as part, of the arrest memo.²¹ Furthermore, in Marfing Tamang this court has also expressed that serving the grounds of arrest in writing to an arrestee just sometime before the remand hearing cannot possibly be due or adequate compliance of the requirements set-out in [section 50 Cr.P.C.](#), since the purpose of serving the grounds of arrest in writing is to grant to an arrestee sufficient time to enable them to engage and confer with legal counsel, so as to grant to an arrestee a meaningful opportunity to resist his remand to police custody or judicial custody.”

3.5 Keeping in view the laid down by Hon'ble Supreme court and Hon'ble High Court in **Vikas Kumar's case (discussed supra)** there has to be some contemporaneous document at the time of

arrest of accused informing him/her about the grounds of his/her arrest. In the present case, accused was fully aware about the grounds of her apprehension and subsequent arrest when she was served with the notice under section 50 NDPS Act. It is also worth mentioning that she signed the seizure memo after recovery of contraband from her possession.

3.6 It is further argued on behalf of accused/applicant that FSL result is defective as no particles of contraband was detected in the sample. However, the argument is misconceived. As per FSL result, exhibit C1 was found containing ‘Diacetylmorphine’, ‘Caffeine’, ‘Codeine’, ‘Morphine’, ‘Acetylcodeine’, ‘Monoacetylmorphine’, ‘Trimethoprim’ and ‘Alprazolam’.

3.7 In **Neeraj Kumar Vs. State Govt. of NCT of Delhi, Bail Application No. 749/2025 decided on 18.03.2025**, Hon’ble High Court observed as under:

“Para7. The practise of filing the successive bail applications in short interval of time, thus, without there being a change in circumstance is deprecated. Even though it is contended that the grounds raised in preferring the present application were not agitated on an earlier occasion, the present case is one where the applicant’s bail applications have been adjudicated by a Coordinate Bench of this Court on two occasions on merits. It is pertinent to note that the present application is fourth bail application preferred by the applicant within a span of one year. The applicant has not cited any reason as to why such grounds as the ones sought to be raised could not be agitated on previous occasions. While it is the right of the accused to prefer successive bail applications when there is a change in circumstance, it cannot be denied that if an accused is allowed to persistently file repeated applications merely on the contention that he was unable to take some grounds previously, the same would only lead to filing of endless applications unless a favourable order is received.”

3.8 It is argued on behalf of accused/applicant that she was granted interim bail and after expiry of interim bail, she surrendered

before the Jail Authority without any delay and she had not misused the liberty granted to her.

3.9 In ***Mahesh Khatri @ Bholi Vs. State Bail application No. 2007/2024 & Crl. M.A. 18828/2024 Crl. M. (Bail) 1060/2024***

Para No. 11 However, in the opinion of this Court, the same cannot be considered as a change in circumstances so as to entitle the applicant to file another application for grant of bail. It was the duty of the applicant to comply with the conditions imposed by this Court while directing release of the applicant on interim bail. Thus, only because the applicant has surrendered and complied with the conditions as imposed by this Court, his compliance with the conditions cannot be termed as a circumstance which would allow the applicant to maintain a subsequent bail application.

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Para No. 17 It has been held in a catena of judgments that there must be change in circumstances to warrant fresh consideration of bail application. The successive bail applications filed without there being any material change in circumstances, is strongly discouraged. The practice of filing a subsequent application in close proximity would be an abuse of the process of Court.

3.10 In view of the above observation, I do not find any merit in the argument of Ld. Counsel that by following the interim bail conditions, accused is entitled to be released on regular bail and hence, arguments stands rejected.

3.11 The amount of quantity recovered from the possession of accused person falls under the category of commercial in nature and bar of section 37 NDPS Act is applicable. Therefore, the onus is upon the applicant to satisfy the twin conditions imposed as mandated in judgment titled as **Union of India through NCB (Lucknow) Vs. Nawaj Khan Criminal Appeal No. 1043/2021.**

3.12 In **Mansab Ali Vs. Irsan and Anr. 2003 SC 707**, it has been held by Hon'ble Supreme Court that since the jurisdiction is discretionary, it is required to be exercised with great care and caution

by balancing valuable right of liberty of an individual and the interest of the society in general.

3.13 Applying the ratio of **Mansab Ali's case** to the present case, in view of conduct of the accused it would be in benefit of the society that discretion may not be exercised by the court in his favour.

3.14 In **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav 2005 SC 91**, Hon'ble Supreme Court held that an accused has a right to make successive applications for grant of bail, the court entertaining such subsequent bail application has a duty to consider the reasons or grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier application.

3.15 All the factual grounds pleaded in this application were also available with the accused at the time of dismissal of bail application vide order dated 10.01.2025 and I find no fresh ground pleaded on behalf of accused/applicant in this application.

3.16 Hence, I am of the considered view accused is beyond reformation which is a major factor while admitting an accused on bail. A person, who was dealing in liquor since 2018 and now she is found in possession of contraband, it can be safely presumed that she has not learnt anything from her previous act. There is strong possibility that she would again indulge in commission of offence if released on bail. **Therefore, the application moved on behalf of the accused/applicant Taslima @ Putti stands dismissed.**

Nothing in this order shall tantamount to an expression of opinion on the merits of the case during trial.

Pursuant to directions issued by Hon'ble Supreme Court of India in SMWP (Criminal) No. 4/2021 titled as In Re Policy Strategy for Grant of Bail as well as in compliance of judgment titled as Ajay Verma Vs. State, copy of this order be sent to Jail Superintendent through e-mail.

Copy of this order be given dasti as prayed for.

Dhirendra Rana
Spl. Judge, ASJ (NDPS)
North Distt., Rohini Courts,
Delhi. 02.08.2025